

**PILOT LOCAL
GOVERNMENT
PARTNERSHIP PROGRAM**

**FORMULATING LOCAL
GOVERNMENT STRATEGY
FOR MANAGEMENT AND
DEVELOPMENT OF LAND
RESOURCES**

(DRAFT)

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Prepared by

W. Jan Brzeski (CREI)
Tomasz Wiktor (PADCO)
Wieslaw Getka (CHF)
Barbara Werchowiecka (CREI)

under subcontract to

The Urban Institute



THE URBAN INSTITUTE
2100 M Street, NW
Washington, DC 20037
(202) 833-7200
www.urban.org

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PILOT LOCAL GOVERNMENT PARTNERSHIP PROGRAM

**FORMULATING LOCAL GOVERNMENT STRATEGY FOR
MANAGEMENT AND DEVELOPMENT OF LAND RESOURCES**

ELEMENT 1 — APPROACH

Overview

This component is focused on changing the current practice of management and development of land resources, from old style to market economy by introduction of modern concepts and techniques. Essential goals of the land resource strategy have been presented in the best practice guide. Since this component encompasses a broad spectrum of municipal activities, it should be integrated with other modules of the Pilot Local Government Partnership Program. In particular the integration of the following modules is essential:

- Strategic Management;
- Infrastructure Finance;
- Housing Management and Development; and
- Citizen Participation.

The overriding consideration of our approach is to build, during the Pilot LGPP, solid and replicable model for delivery of services and train a sufficient number of domestic consultants to carry on the bulk of the work in the next phases of the program. These skilled consultants will continue the gmina technical assistance beyond the USAID funded program.

During the initial phase of the program, emphasis will be placed on consolidation of the body of knowledge and on researching the existing and developing new tool necessary for the gminas to implement new market enabling and asset management strategies on land resources. At the same time, professional teams will be assembled and educated in key issues in management and development of land resource theory and practice. Further training will be conducted in the field during the actual delivery of the technical assistance services.

The proposed scheme for delivery of this module is as follows:

- Building and consolidation knowledge about the most effective ways to achieve the highest output in the given time frame;
- Developing a set of "tools" to disseminate that knowledge base widely and cost effectively;
- Selecting and training Polish organizations and individuals for future assistance in delivering expertise to gminas;

- Providing technical support to Pilot LGPP. During this phase, developed "tools" will be tested and training of Polish counterparts will continue.

The following sections describe activities that will be undertaken during the preparatory phase:

Building the Knowledge Base

There is a large body of mostly foreign knowledge about how a municipality should design and implement a strategy for management and development of land resources. On the other hand, very little have been done by donor sponsored programs directly focused on these issues. The most important programs are listed in the section 4 on Network and Related Work Underway. The most pressing need is for case study materials on "best practice" of Polish gminas that can serve as an example for other localities. There is extensive fragmented experience in several cities, that could be utilized for this purpose.

Developing the Methodology (Tools)

The major overriding tool consists of the overall strategy for management and development of land resources. It is divided into two component strategies: one dealing with land market enabling strategy and the other dealing with management of municipal land assets. These strategies have been described in the best practice guide and will include a number of methods and tools already used in some Polish gminas as well as new tools adopted from other countries, including the European Union.

A tool designed to guide consultants during the initial meetings with gmina officers will be a diagnostic questionnaire. This will be a set of questions, that need to be asked in order to evaluate the current status of gmina land resources, existence of articulated strategy regarding management and development.

The first tool that will be applied during the delivery of the assistance will be the development of urban management indicators and the Land Market Assessment as described in the best practice guide.

Local Capacity Resources

One of the main goals of the LGPP is to develop a professional competence of local consultants and organizational know how, on order to create sustainable resources. At the outset of the program the teams will be largely consisting of Polish professional with selective involvement of experienced US and European professionals. As much as possible the module will contract with the already existing firms and institutions. Local consultants will be selected from recognized private consulting companies and research



institutions with proven track record. During the field visit into large and medium size gminas, advisers will identify local consulting resources for inclusion in the Pilot LGPP.

Technical Assistance to Partner Cities: Step I

Technical assistance will be delivered in three steps. Step one will determine the scope of required assistance. During this initial visit (this visit follows the preliminary meeting between gmina officials and program managers) conducted in most cases with the member of strategic planning and budgeting team, brief scans of gmina budget, major investments, and long range development policy, will be determined. The scan requires a week of on-site work by a team of 2-3 consultant. During this week, the top gmina officials responsible for the major management systems will be interviewed and the relevant documents for each management subsystem reviewed. The scan of the management systems will include:

- Investment planning and financing: how gmina adopted long range policy is carried on by investment plan and are there adequate resources provided to carry so determined tasks?
- Physical development planning: what is the flow of information between various gmina departments and town planning department? Do existing structure (master) plan provides reliable guide for capital investment decisions and direct resource for economic growth and social needs?
- Municipal services: how are the major municipal services organized?

The results of the scan will be delivered in the form of the executive briefing at the conclusion of the mission. After the visit, a detailed report will be produced separating out priorities, goals, targets and tasks. All recommendations for further assistance will be accompanied by clear definitions of the organizational and financial resources that will have to be spent by the municipality to implement the appropriate reforms. This report will be discussed with the gmina during the next visit.

Technical Assistance to Partner Cities: Step II

Step II will be carried after gmina concurs in principle with the findings and recommendations given in step one. During the second visit findings included in the first step, the report will be revised if needed and agreed. Detailed instructions will be given to the heads of appropriate departments as to the required preparatory work and names of contact personnel will be determined. A detailed schedule for technical assistance will be drafted, including intermediate milestones and progress review meetings. During this visit advisers will identify local consulting resources for inclusion in the Pilot LGPP.

Actual Delivery of Technical Assistance to Partner Cities

Step III will follow the acceptance by the gmina of the delivery schedule. In this phase, on-site work will commence consisting of consultative, monitoring and training visits. During the start-up phase of the Pilot LGPP the assistance to partner gminas will serve dual function. On the one hand, it will provide the actual support in improving land resource management techniques and, on the other hand, during these assignments the developed "best practice" tools will be tested, evaluated and improved. In addition, several of local counterparts will be trained on the job in various aspects of methods and techniques.

Step IV will continue the actual work during the established time frame and will include performance monitoring. In step V a review of results will be made by the mayoral team. During the review, a continuation strategy will be established to ensure local implementation backed by a "hot line" accessibility of external experts throughout the duration of the long term Local Government Partnership Program, which might run till the year 2000.

The end results of the Pilot LGPP will be the field tested "best practice" and a large group of skilled local consultants will then be used in the next wave of the USAID technical assistance.

ELEMENT 2 — BEST PRACTICE GUIDE

Executive Summary

Many Polish cities, like the one you lead and manage, are struggling with numerous financial, organizational and policy making problems. Major causes are usually ascribed to the erratic public finance system, to the lack of correspondence between communal obligations and local revenue sources, to the insufficient knowledge of economic environment, and to the deficient organizational and management skills of local governments.

An important source of many problems can also be traced to the seriously distorted spatial and land use structures of built-up areas developed in the centrally planned economy, which lacked land markets, land values and set artificially low prices for infrastructure and energy. The costs of operating and maintaining such urban structures are high for Polish local governments, and would cause serious problems in developed economies if their municipalities had been built in similar way. These high costs stem from the inefficient use of land and space resources by producers and consumers, which makes it more difficult to attain the goals of affordability and livability of urban areas.



There is an acute need of a better use of existing land and space resources in most Polish municipalities in order to modernize their urban structures and to accommodate the imminent waves of urbanization, dynamic service sector growth, recovery of housing demand, and demise of increasingly obsolete industrial areas. Accommodation of these megatrends calls for major modifications to the present distorted land use and spatial patterns with excessive industrial uses often located in central cities, insufficient amount of commercial (services, trade) space and its weak concentration, insufficient residential uses and their wrong location, to name the most conspicuous ones.

The necessary changes can best be achieved, in a market economy, through efficient land markets working in an affordable, incremental and organic way. Local governments are increasingly understanding, that they no longer can afford to be direct providers of land and space, including housing, but instead, they should enable and guide land markets to mobilize resources and do the job of restructuring land use patterns. The market enabling strategies need to focus not only on new production, but, increasingly, on better use of existing land and space resources, which is often less expensive way of achieving similar results. This strategy may use various tools in the areas of assessments of land markets and regulations, lowering of transactions costs, support of land development financing, taxes and ground rents stimulating market activity, promotion of private sector participation, and influencing local and national issues and reforms.

Strategy of management and development of land resources should encompass all land upon which the municipality is built and operates: public, private and cooperative, since all resources should be well used to produce optimal aggregate effects. Besides the market enabling strategies, municipalities need to develop additional strategies focusing on their own land assets, using them actively for rendering of municipal services, for pursuit of various policy goals, and for influencing development of land markets. While land assets used under municipal functions are less flexible, the use of other land assets may assist greatly in pursuing municipal goals in the areas of economic development, financial management, spatial planning, housing policy, environmental protection, as well as enhancing public participation processes.

Consequently, the strategy of management and development of land resources requires two interacting strategies: the strategy for enabling land markets, and the strategy for municipal land assets. The overall land resource strategy helps articulate market mechanisms in coping with such frequent issues of Polish cities as: studios for structure plans, streamlining of permit and approval processes, land readjustment and consolidation, recycling of post-industrial areas, urban revitalization, disposal/acquisition of assets, infrastructure upgrading, privatization, urban affordability and livability. There are many proven tools, which can be used already now.

Introduction

The fact that upon the land the whole city is built has always been well known to mayors all over the world. It is less known to many mayors in Poland, however, that it greatly matters to the economic development how the land is used and by whom. This is important to many communal policies concerned with economic development, investment planning and financing, infrastructure finance and development, housing management and development, as well as citizen participation. Developing the strategy regarding land resources - public, private and cooperative, requires close coordination with other strategies and policies and their relative timing.

Proper land strategy can help mayors improve and intensify the use of land resources over the whole area of their municipalities and thus contribute to better local economy, which translates to more investments, higher incomes, more jobs, cleaner environment, new and better housing. It can also greatly assist them in pursuit of various policies in the areas of economic development, financial management, spatial development, housing policy, environmental protection, and citizen participation. And these various effects of land resource strategy can eventually help improve affordability and livability of urban areas, which are the ultimate goals for most Polish mayors.

This paper outlines the land related challenges faced presently by Polish gminas and points out to the importance of land resources in attainment of the goals of affordability and livability. It then discusses the need for development of two component strategies: one dealing with enabling the development of efficient local land markets, and the other dealing with municipal land assets. The land market enabling strategy helps local government mobilize market forces to rebuilt distorted urban structure of Polish cities and this way achieve higher productivity of local land users. The land asset management strategy helps municipalities use their land resources to more effectively pursue variety of other policy goals. Available and possible methods and tools for these strategies are introduced and the way to test them within the Pilot Local Government Partnership Program is outlined.

Polish Local Governments Face Land Related Challenges

Local government financial problems are intense in Poland and most probably your city is struggling with them as well. These problems are most often ascribed to the erratic system of public finance system, to the lack of correspondence between communal obligations and local revenue sources, to the insufficient knowledge of the new market economic phenomenon, and to the deficient organizational and management skills of local governments. There are, however, other less directly linked causes, which are not so often discussed and considered, although their impact is probably much stronger than it seems. There is a lack of well articulated local strategies regarding management and development of land resources.

Polish cities have been playing a pivotal role in economic recovery and growth during the early years of the economic transformation process. This role is continuing to



increase as massive changes in employment trends are unfolding. Between the years 1995 to 2010 employment in agriculture is likely to fall by 1.5 million people, employment in industry to fall by 1.5-2.0 million, while employment in services is to increase by 3.0-4.0 million. Consequently, we should expect a rising urbanization wave as people leave agriculture and move to cities where they can be more productive (earn more money). And within cities, people are shifting from industrial to service-oriented jobs.

These general employment trends are driving a massive restructuring process which is taking place as the country's economy approaches a post-industrial phase. These trends are most likely to be affecting your city as well. How are these trends going to be accommodated by urban structures of Polish cities and their underlying land resources? And if urban structures are not well prepared for such accommodation, what can and should be done by local governments to improve the situation?

The transformation of Poland's economy has superimposed new rules of the game and changed cost-price relationships, which gminas and their economies have to adjust to. This has uncovered or created several fundamental weaknesses, which are impeding faster economic recovery and growth in urban productivity so crucial to the well being of cities. An important weakness is related to land resources, which are often not being used for most productive functions, in sufficient intensity or by most productive users. This, taken together, leads to lower urban productivity, higher prices, fewer jobs, less housing etc. Eventually, lower urban productivity compromises the ultimate goals of local governments, which are affordability and livability of their gminas.

Land Is Not Being Used Efficiently

Land has not been used economically in many Polish cities, which is the result of a distorted allocation of land to various functions and their relative locations. In most cities, most likely in yours as well, we can observe:

- excessive dispersion of built up areas;
- excessive amount of industrial areas in central locations;
- insufficient amount of residential areas;
- increasing housing density as one moves to the peripheries;
- insufficient amount of service/commercial areas;
- lack of well concentrated service/commercial centers; and
- excessive amount of agricultural uses in urban areas.

This pattern contrasts starkly with economically efficient structures of market driven cities. A study done recently for Cracow highlights these differences (see the box below). And this sharp contrast cannot be ascribed merely to cultural differences. It is the results of almost 50 years of the lack of land markets in urban areas and the result of an economic system.

DISTRIBUTION OF POPULATION DENSITY IN CRACOW 1995

Land use pattern of Cracow can be measured in variety of ways. The study made in 1995 by the Cracow Real Estate Institute has developed a number of urban indicators. One of them measures how residential density (inhabitants per hectare) changes with distance from the city center within built up areas. It can be calculated for each concentric ring of 1 km beginning at the city center. The results for Cracow show that population density decreases over the first 4 km from the center. It then increases for the next 4 km and then quickly drops at 9th km ring, where urban character ends. The area of 4 km radius corresponds to the compact prewar urban structure of Cracow, on the outskirts of which numerous garden lots, military and industrial uses are found. The prewar pattern (0-4 km), showing declining population density with distance, corresponds to patterns found in market driven cities. The next zone between 4 and 9 km corresponds to the many postwar developments, with increasing densities as one moves towards peripheries. This pattern contrasts sharply with the way land resources are used in market driven economically built cities, where population density decreases consistently with distance. As a result the postwar land use became dispersed leaving little compactness of the market driven structure.

In such a system, as the Polish cities grew after the war, the increasing pressures for more space was accommodated by developing new land at the peripheries instead of redeveloping/recycling more centrally located areas occupied by increasingly outdated industrial functions. While cities were expanding the land use pattern remained basically unchanged with little, if any densification and recycling of central areas. Growth was pushed only to the ever expanding outskirts with increasing residential densities at the peripheries. This pattern became very expensive to maintain with excessively long distances covered by various trunk infrastructure runs, high urban transport costs, long journeys to work, lower labor mobility, etc. Large areas of under used land are located between higher density clusters linked by empty runs of transport routes. These factors contribute today significantly to the financial difficulties of Polish cities.

In cities with functioning land markets, the growing land prices in central locations exert increasing pressure to develop the remaining vacant land and to recycle the already developed land. This is because this land is expensive to keep unused or underused as it is attractive to many competing users who bid for it. Residential densities increase in central areas and tend to fall with increasing distance from the center - aligned with the falling land prices. Residential, commercial and industrial land users, through land price mechanism, confront the choice between more land at distant location and less land at close location. This way land is constantly allocated and reallocated to the most efficient use and reuse, since it is a resource used in production and consumption (housing). Better and more intensive use of land contributes to higher productivity and thus to



economic development, more jobs and higher incomes. As a result, urban affordability and livability increase which are the goals of local governments. We can now see more sharply the linkage between the goals of local government goals and spatial structure of their cities.

Unfortunately, and your city is probably no exception, the distorted and inefficient land use pattern is similar to other non-market cities of the post-war period. Consequently, there is an acute need to stimulate and facilitate the necessary modification of land use pattern, but this will not happen quickly. It is only the efficient land markets that can do the job in an affordable, incremental and organic way. Changes in land uses and users take place nowadays overwhelmingly through individual decisions of land owners, both private and public. The ownership pattern has changed dramatically in such a way, that there are today many hundred thousands of decision makers regarding urban land. The new decision makers are confronting land values, which influence their decisions, and land values in Polish cities show similar patterns as those in market driven cities with prices in central locations being much higher than those on the peripheries.

The Challenge of Reshaping Polish Cities

The challenge of reshaping the cities is immense being driven by several megatrends. Densification of land use in central areas will tend to tighten city spatial structure and increase its compactness. Industrial areas will continue to decrease and move towards peripheries. Commercial/service land uses will continue to grow dramatically and filling central locations vacated by the industry. Residential uses will continue to grow and develop high density concentrations in central locations, and low densities in peripheries. Garden plot functions in central locations will need to be moved out as well if the valuable land they occupy is to be put to more efficient uses. More recreational land uses will appear as incomes and leisure time increase.

These megatrends create problems as well as opportunities for Polish gminas, which need to accommodate these trends. The accommodation of these trends by gminas call for major modifications to the present distorted land use patterns. The city can do a lot to effect these changes, but the main "workhorse" of these changes can only be the properly functioning land market, which is capable of achieving the necessary changes in an affordable, incremental and organic way. Local governments even in affluent societies, have increasingly been understanding that they can no longer afford to be directly engaged with their limited funds in direct provision of housing, infrastructure and other space. The trend worldwide, which has become a guiding principle, is that local governments are shifting their roles from direct providers to market enablers and facilitators. Instead of building directly, local governments seeks ways enable and facilitate the private sector to invest and provide usable space. Another guiding principle is that more emphasis is shifting towards better use and reuse of existing land resources,

rather than generation of new resources, which is increasingly expensive. Consequently, instead of focusing entirely on new production, local governments are increasingly turning their attention to revitalization, renovation, modernization and regeneration of urban land and space.

Towards the Land Market Enabling Strategy

Imagine that your gmina owns only the land under its municipal functions, which means that somebody else owns the rest of land resources on the gminas territory. The strategic goal of the gmina is then to ensure that the local land market helps land users obtain the land where they can be most productive or most happy (in case of housing consumption). The best way to move towards such efficient markets is to develop and implement a land market enabling strategy. It is always good to have an efficient market and the enabling strategy helps in attainment of this goal in a systematic and effective way. The rewards of efficient markets, as described earlier, can be very high and have been enjoyed by most of gminas in developed market economies.

There are many methods gminas may use to move towards the strategy of enabling and stimulating local land market. Building the strategy, once the goal is set, involves considering these methods and their techniques and integrating them into action programs and plans.

The best way to begin building the land market enabling strategy is to consider to what degree the land is not being used efficiently in your gmina. A number of urban management indicators may be used as a tool of quick and rough orientation and provide you with adequate answer to the above question. You may have your administration periodically monitor these indicators to see how these indicators are changing with time. These pertain to urban land use structure through indicators measuring compactness of city shape, distribution of population density, land use composition, and urban transport.

Assessing Your Land Market and Regulatory Framework

If land use does not appear to be used efficiently in your gmina, as is highly probable after the 40 years of non-market economy, it is important to see how the emerging local land market is functioning. A useful tool here is a Land Market Assessment (LMA) method, which can be applied relatively quickly without the need of high precision land information systems, which are very costly and require much time. The underlying setting for the market is who owns the land (ownership structure) and where, including public ownership inventory.

Economic and demographic information helps assess afford ability and potential of residential demand. Study of employment trends help establish some vision of demand for non-residential land uses. Supply of serviced land available for development provides a measure of accommodation of future demand.



The next step is to investigate how this ownership pattern is changing through land transactions, their number, prices, and locations. Which locations are being developed and for which land uses is the topic of further steps in the assessment, providing information about investment activity that changes real urban structure of your gmina. Distribution and trends in sale prices and rentals provide orientation in attractiveness of various locations and real estate categories.

These indicators of land market activity can then be analyzed to obtain a measure of the level of housing affordability in various parts of the city associated with land use densities, lot sizes and infrastructure availability. This helps answer the question of what groups of households can afford housing and in what areas. If the areas that should be developed, to improve urban land use pattern, are hardly affordable there is a signal that more investigation should be focused on this problem.

Land markets can be hampered by unclear or wrongly "calibrated" laws and regulations and the associated costs. While laws and regulations are certainly needed, their wrong use may hamper the market activity by adding excessive costs in terms of uncertainty and time. An quick investigation of these laws and regulations can be obtained by surveying investors and their advisors and checking the reasonableness of their "complaints". These relate usually to land use zoning and procedures for permits and approvals in land development process, as well as to regulations on taxes and availability of reliable market information.

The assessment of the local land market and regulatory framework helps to identify impediments to more efficient operations of this market. Depending on the outcome of the assessment, various tools of the market enabling strategy may be called for. The more typical components of such a strategy are presented below.

Lowering the Costs of Market Operations Through Reliable Information

The land market assessment may reveal that accessibility and quality of information is not satisfactory to market participants. A brief perusal of central and regional statistical yearbooks supports the view that little data and even less in terms of spatial distribution, is available on land markets. It is partly due to the secrecy surrounding many land market transactions, and partly due to little interest shown by many cities in collecting and disseminating market information. Consequently, local land markets are little known and uninformed, which makes their operations difficult and discouraging serious investments, so much needed for more jobs and higher incomes.

The deficiency of Information infrastructure in land markets contrasts starkly with the dynamically developing capital markets flooded with official reports and statistics. Improvement of this situation is a challenge for local governments and should have a high

priority in the market enabling strategy. There are various tools available for how to improve the information quality and availability.

Lowering Transaction Costs

One of the impediments to more active land market, likely to be revealed by the land market assessment, are the high costs associated with land transactions. Not only are transactions themselves strenuous on cash resources because of little financing, but additional and significant transaction costs of up to 10% have to be added. This reduced the affordability and at the same time distorts the price information provided in notary acts as buyers try to reduce transfer taxes and registration fees by under reporting the real prices paid.

Serious thought should be given to the ways of reducing various taxes and fees associated with real estate transactions. Many of these are not controlled by the gmina, but some can be influenced, such as transfer tax. Lowering of these costs will affect gmina revenues and may be difficult to accept. On the other hand, lowering of taxes may increase the number of transactions and reduce the artificial lowering of reported (notarial) prices, so that the net effect on gmina revenues may be neutral. Nevertheless, there is a strong reason to consider way of lowering the transaction costs in the local land market.

Clarifying Property Rights and Facilitating Their Registration

Land markets will not develop if there is too little market commodity to trade with, as it is only the clear property rights, which can be traded in land markets. There are still many attractive sites, which are beyond the reach of land markets in Poland, because their legal status has not been clarified. This restricts the supply and pushes prices and rents up, as well as channels the demand to locations with existing supply. In Warsaw, for example, substantial amount of commercial real estate development is taking place in peripheries because this is where land is available, while many attractive central locations are subject to protracted restitution claims and pending reprivatization legislation. As a result, commercial/service functions in Warsaw lack a well defined "city", while new dispersed developments reinforce the inefficient spatial structure.

The situation with clarification of property rights differs over Poland depending on historical aspects. Gminas cannot do much themselves in this regard, but should continue pushing for the ultimate introduction of reprivatization laws. Locally, they may encourage voivodship authorities to reclaim those properties, which lack identifiable former owners. Gminas usually manage these "abandoned" properties and may prepare necessary documentation for the voivodship "rejon" offices. Part of these properties may then be transferred to local governments.

In some gminas private owners, already in possession of their properties are in no hurry to clarify their titles. It may be expensive to do that, since court proceedings to



establish the title are costly and reconciliation of boundaries requires complicated land surveying work. Cities might induce these owners by defraying some of these costs perhaps by crediting some of that work and mortgaging instead the properties.

Title registration is another market disabling phenomenon. While transactions are expedited quite efficiently at privatized notary offices, it is the regional registration courts, especially in large cities, where it may take up to a year to register a new land ownership title. Needless to say how discouraging and corruption prone this system is. Gminas cannot do much directly, but need to press for changes at the national level and keep convincing the land registration authorities that they are an integral part of local land markets. Gminas may help the courts in some ways that speed administrative process, without interfering in the autonomy of the court system. A good example is Szczecin, where the gmina assists the courts by providing logistical support for clerical work connected mostly with registration of communal ownership.

Reducing Zoning and Permitting Uncertainty

The land market assessment may also identify important impediment in terms of zoning and permitting uncertainty. Investors who engage in land development require accurate information on "what" and "when" they can build on the land they have acquired or own. The information on "what" can be built has a direct bearing on the level of profit they can realize from the development and thus influences the price they should pay for the land. Usually, the higher they can build, the higher the price they can pay for the land. If the zoning plan stipulates that a given density is permitted (so called floor-to-area ratio) it should provide a reliable signal to investor. In current practice, effective densities, which can be realized by developers are significantly smaller than permitted densities declared in land use plans. This creates high uncertainty, since the investor does not know the effective density before it acquires the land. And the higher risk inherent in this leads to higher profit margins and costs, pushing up the prices paid by ultimate land users. It is beneficial for the market if a city tries to reduce this uncertainty by providing more reliable information on effective densities at least at the time they issue first approval of a proposed investment program.

The information on "when" developer may build has a direct bearing on costs. The time spent on waiting for reply regarding various permits and approvals costs money. And it is especially costly if the investor faces a winter season with no activity if reply takes too long. These costs can become very substantial contributing to decreased affordability of land users and housing consumers.

Ensuring that Density and Lot Size Requirements are Affordable to Population

Affordability of housing to large groups of population depends on the relationship between average household's ability to pay and housing development costs and prices. These in turn are influenced by land prices and construction costs. Land prices usually constitute a significant proportion of total housing development cost. Lower densities and large minimum lot sizes imply higher land costs in development and thus reduce housing afford ability. Higher effective densities and smaller minimum lot sizes imply lower land costs in development and thus increase housing afford ability. These change with the price of land, which varies with distance from the center.

Consequently, there is a need to harmonize density and lot size requirements to land price structure within given ambitions regarding housing afford ability. If, for example, lower densities (e.g. floor-to-area ratio of 0.8) and large lot size (e.g. 400 m²) are established in the zoning plan for relatively central locations, the resultant land costs will become too high, thus creating afford ability problems. If instead, higher densities (e.g. floor-to-area ratio of 1.5) and smaller lot sizes (e.g. 300 m²) are allowed, more people will be able to afford housing in that area. A similar argument may be developed for other non-residential land uses. Generally, more affordability of land uses creates more demand and more market activity. And more transactions mean more land use adjustments, which foster urban productivity improvement.

Facilitating Land Development Financing

Lack of affordable financing is traditionally the major reason for little activity in Polish land and real estate markets. This is as true about residential as well as non-residential land uses. There are many barriers to development of efficient and affordable mortgage markets in Poland and most of them are ascribed to national level impediments such as inflation, lack of long-term savings and deficient laws. Gminas may pressure the government to continue removing the regulatory deficiencies. Some of the impediments are found locally. Banks do not feel comfortable with land development process, which is riddled with many uncertainties due to protracted and unclear permits and approval process, as well as due to complicated planning and zoning regulations. Cities may assist the banks by lowering these uncertainties as was suggested earlier.

Another barrier to financing is the lack of sufficient equity funds by potential borrowers. Gminas might consider establishing first-time home buyer grants to qualified groups of city inhabitants. The gmina might also consider assisting the banks by providing some kind of credit guarantees for selected groups of households. There are many other instruments, which might be considered by drawing on the cities in mature market economies. One example is the use of municipal bonds to raise relatively inexpensive capital, which can then be made available for mortgage credits.

Stimulating Land Markets with Taxes



Property rights to land and real estate were vested in the existing users in 1990, subject only to restitution and reprivatization claims. These users-made-owners were often not the highest and best users of land and space. Consequently, there is an acute need to stimulate reallocation of land and space so that the most productive users are matched with the best properties. Valuable centrally located vacant or under used land should be in the hands of willing and able investors. The way to encourage investment and discourage speculative land holding frequently used in mature economies is the fiscal inducement created by market value based land and building taxes. It works in such a way that it does not pay to hold valuable land undeveloped. The tax is proportionate to land value, which in turn reflects the highest and best (most productive) use, which can be put on it. If the land owner does not create that use on the land, there is not income generated by that use and the owner has to pay the land tax with other money, which he might not afford to do for too long. He will have to either start developing the land or to sell an investor willing and able to bring the highest and best use onto the land.

The market based land and building taxes are expected to be introduced in Poland and the Parliament did ask for such a tax already in 1994. Such "ad valorem" taxes are well tested and widely used in market economies, as it has a number of important benefits to local government finance. Polish gminas use currently an area based property tax, which does not stimulate development of most valuable sites and is not equitable. Although current laws allow gminas to introduce new local taxes through a referendum, it is hard to imagine that local government will take a gamble on such a referendum. There are, however, possibilities of establishment of property tax zones, where gmina charges different rates. These zones may reflect value zones and this way a system similar to an ad valorem may be introduced. Such a policy, however, requires substantial time to implement it.

Another way to attract investment activity is through tax abatement or exemption. Gminas, which select strategic development zones can make them more attractive to investors by offering such tax incentives.

Promote Private Sector Participation in Land Markets

Developers want to invest where the demand is. If the demand is for small apartments in central locations, it is there they need to have access to serviced land. If commercial uses are also looking for more central areas, probably being vacated by obsolete industrial users, they will need to have not only serviced land, as it usually is already serviced, but they will need some assistance with cleaning the land including removal of contamination. If the demand is pointing at central locations, it may be worthwhile to upgrade and redevelop existing infrastructure rather than continue adding new infrastructure to ever expanding urban peripheries.

Gminas have been vested with substantial holding of land and real estate capital assets. They have been allowed, subject to administrative regulations, to make these properties participate in land and real estate markets. These properties that are not used to render municipal services can be used to "play the market". The city may use these land assets to enable and guide the markets. The city may be increasing the supply of serviced land in chosen time periods and in selected areas if it wants to keep the prices and rents from rising too much. It may also assemble land in order to provide it later to market participants at lower price or in one large block. It may also want to help defray the land costs in private developments, by offering long term leases, which require only a fraction of the value to be paid up front. There are a variety of instruments that the city may use in its management of own land resources and they are well known to those responsible for city assets.

A new phenomenon for Polish gminas is public/private partnerships with developers in order to help them with capital contributions as well as have some control over the development. There are some good and bad examples emerging in Poland (see the box on Warsaw below), but there is a wealth of experience from developed economies in Europe and America.

PUBLIC/PRIVATE PARTNERSHIP IN WARSAW'S ATRIUM CENTER

In the early Spring of 1992, through international tender, a foreign investor has been selected by the local government of the Borough of Wola in Warsaw to develop a commercial complex (office, retail) along the Avenue of Jana Pawla II. The gmina and the developer formed a joint venture company, called Business Center Wola Ltd, to which the gmina contributed a communal land asset and the developer contributed financial capital. It is probably the first successful case of public/private partnership in land development in Poland. The project has won the European Bank's award for "The Property Project of the Year" in 1995. The project has won additional awards as well.

The project, called Atrium Business Center, involves in total 84,000 m² of space, and 700 underground parking places. Its total costs is estimated to 140 million USD and is divided into four phases. The funding has been provided also by a French financial institution. Separate subsidiary joint venture companies have been formed for each phase of the project to manage the investments. The first phase was completed in 1995 and the second phase at the end of 1996.

According to the "Strategy for the Property Sector" document published by the European Bank, such schemes like the Atrium signify that "public/private partnerships have a particularly strong demonstration impact, providing a model for financing infrastructure improvements throughout the region". As a result of this success, the European Bank will give consideration to larger urban regeneration and renewal projects, as these can have significant local developmental benefit, and act as models for other local governments.



These tools may be used to enable the markets and animate or moderate the market activity depending on the situation. If prices are growing too fast, an increased supply of land might help dampen the pressure. If prices are falling, which is not good for the owners and the banks, there might be reason to buy land and dampen the fall, and at the same time create a "land bank" for future use. It requires that your gmina has a good inventory of what it owns and that national laws are clear on what kind of activities are cities allowed to engage in. More pressure should be applied at the central government to finally resolve that issue and provide the cities wide scope for "open market operations", which fit their needs and opportunities. Cities in developed market economies frequently choose to set up special agencies to pursue such market operations. These are usually incorporated in a commercial form.

The obvious method for promoting private sector participation in the local land market is privatization, which increases the supply of privately owned land. This is a well accepted way and has been practiced by many gminas. However, it requires some words of caution as it does not automatically guarantee intended results. Land is a subject of frequent land speculation with monopolistic behavior. As long as there is little financing available for land development and there is no value based land tax in Poland, the sole transfer of land assets to private hands does not guarantee that the land will be developed. Serious thinking is advised to design land privatization strategy in terms of required preconditions (such as ad valorem tax and existence of mortgage finance), its phasing in order to avoid "glutting" the markets by "dumping" too much supply, and choosing the right time for these actions. This should also be connected to consideration of the use of perpetual land leaseholds as alternative forms of privatizing land possession to private users, but without the need for investment of equity capital on their part and with retention of the sanctions for failing to develop the land.

Thinking About National Issues and Regulatory Reforms

There are a number of important factors, which hamper development of efficient local land markets, which are beyond control by a gmina. This does not mean that these issues and necessary reforms should be of interest to the local land market enabling strategy. Gminas, through their organizations, but also individually, may influence changes at national level. Lobbying and other organized activity pushing for resolution of national issues and implementation of reforms should explicitly be put into the market enabling strategies.

Towards Land Asset Management Strategy

It was earlier said that you should imagine that your city owns only the land needed for rendering of communal functions. In reality, and your gmina is probably not an exception, gminas own much more land than that. This land constitutes much of their

real capital assets. Management of these assets becomes a focus on another strategy - gmina land assets management strategy.

The land available for participation in the local land market can be divided into two groups. The first group of land assets is needed as a tool for pursuing communal goals in areas of economic development (jobs), financial management (revenues), spatial planning, housing policy, environmental protection, as well as enhancing public participation process. The rest of land assets is available for land market operations described in the land market enabling strategy.

For asset management strategy to be developed gmina needs to have policies and their goals. Many Polish cities are dealing with a number of such policies involving the use of land resources where gmina ownership may prove useful. These policies require articulation of land demand and supply conditions and trends to become more realistic and implementable. Some of the more typical policies are mentioned below.

Preparation of "Studiums" for Spatial Structure Plans

The current physical development laws require that gminas prepare so called studiums of conditions and directions of spatial development. There is a need to harmonize these studiums with market revealed relationships. Land use regulations, which are going to be formulated after the studiums should not go against market revealed preferences observed in the city, unless there is a clear reason for it. An example of such disharmony would be the city strategy declaring that the majority of new housing construction in a coming decade is to take the form of low-density single family housing. In accordance with that the land use plan allocated vast amount of vacant land to low density residential uses coming close to central locations.

If the market study reveals that the majority of new production is taking the form of small apartments in centrally located multi-dwelling buildings, the market demand is clearly for different type of housing. If not enough land is allocated by the plan to that type of use, the resultant inadequacy of land supply will drive costs and prices too high, while leaving much of the low-density zoned land undeveloped in central locations because of affordability problems. Harmonization of land use regulations with market revealed preferences helps avoid such results.

Facilitating Recycling and Relocation of Industrial Areas and Functions

Private market can rarely by itself arrange for such complicated and costly operations as recycling of post industrial land areas. This is usually because there exist some need for bringing the land up to market standards, while the obsolete industries do not have resources to pay for it. A city may simply take over the land and look for alternative users. In case of relocations, which for variety of reasons should be encouraged by the city, the problem is to help the industrial user with identification of



peripheral location, relocations costs and land development in new location. Market enabling takes the form of defraying some costs, since they produce indirect benefits to the city in the form of improving land use structure, higher future tax revenues from new more efficient users, less pollution, etc.

Facilitating Revitalization of Dilapidated Housing Districts

Many centrally located housing districts are in bad physical condition because of rent controls system, which does not allow the owner to cover the costs, or because newly privatized apartment owners are not fit financially to take on real costs of ownership. As a results of deferred maintenance, much of the centrally located stock has been undergoing so called decapitalization. The market forces are unable to bring about the necessary cure of physical conditions, because it simply does not pay to do that. And yet many of these areas are located in attractive long term locations with a brighter future. The problem is what to do to mobilize market forces to get involved in these areas. In order to activate the market, the city has to create incentives on either fiscal, financial or real side. Often, there is a mix of measures used to change the economic-financial calculus of private investors to enable them to play the game. Tax incentives are targeted for a chosen area, some sort of subsidized loans or grants are offered as well. And the city might buy up the land cheaply, and make it available on a leasehold basis with rent free initial periods. If right incentives are created, they will enable the market to get interested in invest some capital, which means that the city will not need to spend that amount itself.

Land Readjustment and Consolidation

In many gminas, especially in southern Poland, it is very difficult to assemble to land for land development. Gminas in such areas need to promote easier readjustment and consolidation of larger land areas suitable for larger developments of residential and commercial character. A useful tool for practicing such land processes is ownership of land assets by gmina, which makes it easier to start readjustment proceedings. Another, but more drastic tools are the preemption right (of first refusal) and expropriation (condemnation).

Integrating Market Enabling and Asset Management Strategies

While land market enabling strategy should be developed as soon as possible, the land asset management strategy needs other policies to be in place in your gmina. These two strategies, however, need to be integrated into the overall strategy of management and development of land resources in your gmina. The implementation of the strategy may be done by various departments of your gmina (analytical, operational), but it is important to establish one unit responsible for development and monitoring of this overall strategy, and its interaction with other strategies. After all, the goal of the overall strategy

is the ultimate affordability and livability of your gmina and partial strategies are to each contribute to these goals.

If you have not developed the overall strategy for management and development of land resources or its component market enabling and asset management strategies, you might want to consider choosing a selected or comprehensive participation in the Pilot Local Government Partnership Program, which is offering assistance in the area of land resources. It is important to remember that the time for the pilot program is limited and focus should be set on those issues, methods and tools, which can be developed and operationalized within about half year's time with the active assistance of external teams.

The foreseen way of participation would be developed into several steps. During the step I - the initial meeting with your gmina, the team of senior advisers will investigate jointly with the mayor and his team the major issues to be addressed. Goals will be set and targets established and prioritized. Step II will build on step I and will involve the formulation of a formal agreement, establishing the scope of work and deliverables on both sides. Step III will include development of a precise work plan, schedule of responsibilities, personnel engaged on both sides, Project organization chart and schedule of activities will be pinpointed. Step IV will involve actual work during the established time frame and will include performance monitoring. In step V a review of results will be made by the mayoral team. During the review, a continuation strategy will be established to ensure local implementation backed by a "hot line" accessibility of external experts throughout the duration of the long term Local Government Partnership Program, which might run till the year 2000.

ELEMENT 3 — TRAINING PLAN

We envision the following specialists to be needed for the land management and development module:

- land economist;
- urban planner and zoning specialist;
- land surveyor;
- information/computer specialist especially in Land Information Systems;
- property tax expert;
- expert with experience in city politics;
- housing specialist
- land development specialist;
- financial specialist;
- corporate restructuring specialist;
- real estate and planning lawyer.



As described in Section 1 (Approach) the emphasis will be placed on finding Polish consultants and supplementing them, as needed, with expatriate experts brought for specific issues.

ELEMENT 4 — NETWORK AND RELATED WORK UNDERWAY

There is very little being done by other agencies in the area directly related to land management and development. There is more being done in housing and infrastructure, which is related and overlapping with land management and development. The more visible programs somewhat related are as follows:

- **British Know How Fund**, who run a program called Local Government Assistance Program, which is working together with the Institute of Spatial Economy and Municipal Economy (IGPiK) of Cracow. Several books on good practice have been prepared, of which one on land management issues as seen mostly from the legal and planning point of view. This book is useful for training purposes, but another manual would need to be developed separately to deal with development of strategy and the use of methods and techniques.
- **United Nations Development Program (UNDP)** is involved in a number of initiatives, but none of them refers directly to the scope of our module.
- **Agreement between GOP and Danish Government** is focused on heat supply.
- **Agreement between GOP and Dutch Government** is also focused on heat supply and training.
- **The World Bank** is interested in various types of initiatives related to urban development. The study on Cracow land use indicators done with CREI is directly connected to the scope of the module.
- **PHARE** programs are focused on Land Information System done with the Ministry of Physical Planning and Construction, and on Local Government Development and Training Program being done with the Foundation for Development of Local Democracy.

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